

LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Senate Committee on Judiciary, Corrections, and Housing

Testimony of Senator Lena C Taylor

Senate Bill 407 – Community Service Work

Tuesday, January 29th, 2008

Honorable Senators,

Thank you all for being here to hear testimony on Senate Bill 407, legislation allowing municipal courts to order defendants to perform community service work as an initial judgment. As the Senate author of this bill, it is my privilege to be here this afternoon to testify on its behalf.

As some of you know, I have spent the past two years serving as a member of the Joint Legislative Council's Strengthening Wisconsin Families Committee. One of the issues investigated by the Committee was the effect of court judgments on our state's families. Months of testimony on the subject made clear that the current system of punishment in our municipal courts places an undue burden on families around Wisconsin.

Current law mandates that defendants judged guilty in municipal courts be made to pay restitution and several other fees as punishment. But, as we heard in the Strengthening Wisconsin Families Committee, sometimes guilty parties are unable or unwilling to pay these fines. Some cannot afford to pay the fines at all; others can afford to pay the fines, but only at a substantial cost to themselves and their families.

Senate Bill 407 allows judges to order, as an initial judgment, that defendants perform community service work rather than pay fines. The bill serves the interests of justice and Wisconsin's families in a variety of ways. Under Senate Bill 407:

1. Defendants who cannot pay the fine can still fulfill their debt to society through community service. Currently, courts must file a second, separate order to effectuate this outcome.
2. Defendants who cannot pay the fine without jeopardizing their family's financial stability can serve their punishment while preserving their family's financial stability.
3. Defendants who serve their punishment through community service may do so in the company of family members, thereby building relationships and promoting an ethic of community service within their families

In the course of two years-worth of hearings, the Strengthening Wisconsin Families Committee heard hours of testimony in support of increasing judicial discretion over punishment in certain cases. We were repeatedly told of the harm done to families and relationships by punishment schemes that failed to account for the needs of those who were not parties to a lawsuit but were still impacted by its result. Senate Bill 407 is a direct response to those concerns.

In closing, I would like to note that court sentences are not imposed or carried out in a vacuum. Their effects resound far beyond plaintiffs and defendants, affecting family, friends, and loved ones on both sides of the case. Sentencing schemes that ignore the effects of a sentence on these people fail to do justice by them and they fail to serve our state's interests. As legislators, we have an obligation to put an end to that sort of sentencing where it serves no compelling purpose. We should support Senate Bill 407 and give judges the discretion they need to impose sentences that fit the broader context in which a case develops. Because it serves the interests of justice, families, and our state as a whole, I ask that you support Senate Bill 407. Thank you.